

Appl. No. 10/811,289
Amtd. dated January 31, 2005
Reply to Office Action of November 17, 2004

REMARKS

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Applicants thank the Examiner for indicating the potential allowability of claims 3, 5 and 6, as well as noting that claim 11 is allowed.

Claim 1 has been amended to include elements originally found in claim 3. Claim 4 has been amended to include the elements originally found in claim 5, which has subsequently been canceled. Claim 12 has been amended comparably in scope to claims 1 and 4. Claim 6 has been amended to update a dependency made obsolete by the cancellation of claim 5. No new matter has been added as a result of these amendments.

Applicants respectfully traverse the Examiner's rejection of claim 1 under 35 U.S.C. §112, second paragraph, as indefinite. Claim 1 has been appropriately amended. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 1, 2, 4, 7-10 and 12 under 35 U.S.C. §102(b) as anticipated by Lee, U.S. Patent No. 5,834,716. In order to anticipate, the cited reference must disclose each and every claimed element. Lee fails to do so.

In particular, claim 1 has been amended to require that the pusher include a first extension and a second extension. Claim 1 requires the inclusion of a switch body that includes a first receiving portion for contacting the first extension when the button is inclined in the first direction and a second receiving portion for contacting the second extension when the button is inclined in the second direction.

Claim 1 further requires that inclining the button in the first direction from the first operation position to the second operation position moves the pusher about a point of contact between the first extension and the first receiving portion to activate the second switch in

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addition to the first switch. Similarly, inclining the button in the second direction from the third operation position to the fourth operation position moves the pusher about a point of contact between the second extension and the second receiving portion to activate the first switch in addition to the second switch.

Lee is not believed to describe or disclose any of these claimed elements. Lee does not describe a pusher having first and second extensions or a switch body that includes first and second receiving portions configured to accept the first and second extensions. Lee does not describe how further inclination of the button causes the pusher to move about a point of contact between either the first or second extension and the corresponding first or second receiving portion. Thus, Lee does not describe all of the claimed elements and therefore cannot be considered as anticipating independent claim 1 or claims 2-3 depending therefrom.

Claim 4 has been amended to include the limitations of claim 5, thereby rendering the rejection moot with respect to independent claim 4 and claims 7-10 depending therefrom. Applicants do not concede the correctness of the rejection with respect to claims 4 and 7-10.

With respect to claim 12, the claim requires the pusher to include a first extension and a second extension. Claim 12 requires the inclusion of a switch body that includes a first receiving portion for contacting the first extension when the button is inclined in the first direction and a second receiving portion for contacting the second extension when the button is inclined in the second direction. Inclining the button in the first direction from the first operation position to the second operation position moves the pusher about a point of contact between the first extension and the first receiving portion to activate the second switch in addition to the first switch and thereby fully open the window. Similarly, inclining the button in the second direction from the third operation position to the fourth operation position moves the pusher about a point of

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contact between the second extension and the second receiving portion to activate the first switch in addition to the second switch to fully close the window.

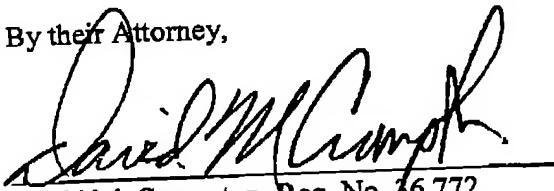
As discussed above, Lee fails to describe a pusher having first and second extensions or a switch body that includes first and second receiving portions configured to accept the first and second extensions. Lee does not describe how further inclination of the button causes the pusher to move about a point of contact between either the first or second extension and the corresponding first or second receiving portion. Thus, Lee does not describe all of the claimed elements and therefore cannot be considered as anticipating independent claim 12.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,



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